

At this time I am required to advise the parents of what happens if you fail to meet your reunification requirements. We review your progress on your reunification requirements in six months. If you have failed to meet your reunification requirements at that time, we review your progress on meeting your reunification requirements again in another six months. If you have still failed to meet your reunification requirements, the court may give you an additional six months or terminate all further reunification services. In no event can the court give you more than 18 months from the date of original detention to meet your reunification requirements. If reunification services are terminated, the court will ask the Department of Social Services to propose a long-term plan for the child. That plan can be long-term foster care, guardianship, or adoption. If the department recommends adoption, there is a possibility that your parental rights will be terminated. I urge you to stay in touch with your social worker and your attorney, and to put forth every effort to meet your reunification requirements.

(14) Advice to Child, Parent, and Guardian Concerning Right To Appeal

You have the right to appeal the dispositional order. You have 60 days from today to file an appeal to the Court of Appeal and may use Judicial Council form JV-800, which is available here in the courtroom. If you do not have an attorney and cannot afford one, one will be appointed for your appeal. If you have appointed counsel, [he/she] will represent you for appeal. You will need to include a transcript of these hearings. If you are indigent, one will be provided to you free of charge.

Do you understand your appeal rights? Do you have any questions?

(15) Advice to Attorneys, Child, Parent, and Guardian Concerning Right To Appeal the Setting of .26 Hearing

To preserve your right to appeal from the order setting a .26 hearing, you must first seek an extraordinary writ using Judicial Council forms JV-820 and JV-825, which are available here in the courtroom. The writ petition must be filed with the Court of Appeal within seven days of the date of the order setting a .26 hearing. Under [California Rules of Court 1436.5\(d\)–\(h\)](#), you or your attorney must file the petition, after consulting experienced writ attorneys if necessary.

(16) Final Question

Do you have any questions about the court's order(s) or what is going to take place in the future?

B. [§102.115] Script: Findings and Orders

(1) Introduction

The court has read and considered [*name the documents, e.g., the sustained petition, the social worker's report of [date], and attached documents*].

[*Add, if applicable*]

The court has also considered the testimony of the witnesses and their demeanor on the stand, as well as the arguments of counsel.

Note: In the order of disposition, the court must state that it has read and considered the social study report. [Welf & I C §358\(b\)](#); [Cal Rules of Ct 1455\(b\)](#).

(2) *Parties*

[*As to each man who claims to be (or is alleged by others to be) the father, the court may make a finding as to whether he is a legal, biological, alleged, or presumed father after holding a hearing on the issue.*]

The court finds that the legal status of [*name of party*] is the [*legal/biological/alleged /presumed*] father.

[*If de facto parent status is sought*]

The court finds by a preponderance of the evidence that [*name of party*] should be accorded the status of de facto parent because of the following: [*Specify reasons*].

[*Or*]

The court does not find by a preponderance of the evidence that [*name of party*] should be accorded the status of de facto parent. The facts underlying this finding are: [*Specify reasons*].

[*Optional*]

Therefore, [*name of party*] may not participate in future hearings.

(3) *Declaration of Dependency (see §102.37)*

The court adjudges the child a dependent child of the court because of the following reasons: [*E.g.: The child has been neglected and therefore continuing supervision is required/Even though the child may be placed with [his/her] custodial parent, continuing supervision is necessary to ensure that the child's [educational/medical/emotional] needs are met*].

[*Or*]

The court does not adjudge the child as a dependent child of the court because of the following reasons: *[E.g.: The child's noncustodial parent will provide a loving, stable home and continuing supervision of the court is not necessary/Although the allegations in the petition were true, they did not overcome the fact that the custodial parent has now learned of the abuse and has taken forceful steps to prevent recurrence]*.

The Department of Social Services is ordered to provide informal supervision of the family, by providing services as it deems necessary, without court supervision.

(4) In-Home Placement of Child

The court does not find by clear and convincing evidence that the child must be removed from the custody of *[his/her]* custodial parent. Therefore, the child is ordered to *[remain/be placed]* in the home with *[name of custodial parent]*.

[If limitations are to be placed on parents' control of child]

The following limitations are to be placed on the parents' exercise of control of *[name of child]*. *[List limitations on medical, educational, disciplinary, or other decisions that are necessary for the child's protection (see [Welf & I C §361\(a\)](#); [Cal Rules of Ct 1456](#))]*.

Note: See discussion in [§102.44](#). Limitations on the right of the parent to make educational decisions must be explicitly set out in the order whether the child remains at home or is removed from the home. [Welf & I C §361\(a\)](#); [Cal Rules of Ct 1456\(c\)\(3\)](#); see [§102.99](#).

(5) Out-of-Home Placement of Child

The court finds clear and convincing evidence that the child must be removed from the custody of *[name(s)]* and orders that the child live with *[name(s)]*. The reason(s) for the removal *[is/are]*: *[Give reason(s)]*.

[Leaving/Returning] the child home would cause a substantial danger to the child's physical health and there are no reasonable means by which the child's health can be protected without removal.

[Or]

The parent or guardian is unwilling to assume physical custody of the child and has been notified that the child might be declared permanently free of parental custody and control if he or she remains outside the home for the time specified in [Welfare and Institutions Code section 366.26](#).

[Or]

The child is suffering severe emotional damage from [*specify anxiety, depression, aggressive behavior, withdrawal*], and the child's emotional health requires removal.

[Or]

The child or a sibling has been sexually abused, or is at substantial risk of abuse, by the parent, guardian, or member of the household, and removal is the only means of protecting the child.

[Or]

The child has been left without provision for support.

[Or]

An incarcerated parent cannot arrange for the child's care.

[Or]

An adult custodian with whom the child was left is unable or unwilling to care for the child and the parent cannot be located.

[Or]

[*State other reasons (see [Welf & I C §361\(c\)](#); [Cal Rules of Ct 1456\(d\)](#); see also [Welf & I C §361\(c\)](#); [Cal Rules of Ct 1456\(g\)\(1\)](#) (the court must state facts on which the removal is based)).*]

(a) *Placement With Relative* (see [Welf & I C §361.2](#)):

The court has considered the following factors in making the placement: [*List applicable factors set out in [Welf & I C §361.3\(a\)](#). See [§102.53](#).*]

(b) *Placement With Nonrelative*

- The approved home of a nonrelative extended family member (see [Welf & I C §362.7](#)) ([Welf & I C §361.2\(e\)\(3\)](#)).
- A foster home that had been a previous placement if in the child's best interests ([Welf & I C §361.2\(e\)\(4\)](#)).
- A suitable licensed community care facility ([Welf & I C §361.2\(e\)\(5\), \(8\)](#)).
- A foster family agency for placement in a foster family home or certified family home ([Welf & I C §361.2\(e\)\(6\)](#)).
- A home or facility in compliance with the [Indian Child Welfare Act \(ICWA\)](#) ([Welf & I C §361.2\(e\)\(7\)](#)).

The court denies placement with a relative for the following reasons: *[List reasons]*.

Note: The court must state reasons on the record why placement with a relative was denied. [Welf & I C §361.3\(e\)](#); see [§102.52](#).

(c) *Voluntary or Temporary Out-of-Home Placement*

The child *[should/should not]* continue to live with *[name]* *[an out-of-home placement in which the child was placed voluntarily or after the detention hearing]* because *[discuss appropriateness of the placement, extent of compliance with the case plan, and other factors set out in [Welf & I C §366\(a\)](#) (see [Welf & I C §361\(d\)](#))]*.

(d) *Guardianship*

The court has read and considered the assessment and orders that letters of guardianship issue. *[Name]* is to be appointed guardian. The court finds that *[state findings and the factual basis for them, e.g., prospective guardian has had a close relationship with the child since birth, neither parent seeks reunification with the child, the child's medical status would weigh against adoptability (see [Welf & I C §360\(a\)](#); [Cal Rules of Ct 1456\(b\)](#); discussion in [§§102.57–102.59](#))]*.

[To the parents]

Once the guardianship is established, there will be no reunification services.

(6) *Siblings ([Welf & I C §§362.1, 361.2\(i\)](#))*

The court finds that the child *[does/does not]* have siblings under the court's jurisdiction.

The nature of the relationship between the child and siblings is *[describe relationship]*.

Developing or maintaining the sibling relationships *[is/is not]* appropriate because *[state reasons]*.

The siblings are not placed together because *[state reasons]*.

Efforts being made to place the siblings together are *[describe]*.

Efforts to place the siblings together are not appropriate because *[state reasons]*.

(7) *Reasonable Efforts*

The court finds *[by a preponderance of the evidence]* that reasonable efforts were made to prevent or eliminate the need for removing the child from the home. *[State facts.]* This finding is based on the *[name the document, such as Declaration of Efforts]*, of *[date]*.

Note: If the child is an Indian child, active efforts must be made. See 25 USC §1912(d).

[Or]

The court finds that reasonable efforts have not been made.

(8) *Reunification*

(If there is a signed case plan)

- Did you review this case plan with your attorney (with the assistance of the interpreter if applicable)?
- Did you understand it?
- Did you sign it?

The court orders the Department of Social Services to provide the following reunification services for the following people: *[List the services that are offered and the people who are to participate in them, e.g., parents to visit the child once a week, father to participate in psychological evaluation and counseling, grandmother to attend parent support group meetings, etc. See discussion of case-limited and case-specific plans in §102.64.]*

The court finds by clear and convincing evidence that reunification services should be denied to the *[parent/guardian]* because *[list reasons, e.g., that the child has suffered severe sexual or physical abuse by the parent (see Welf & I C §361.5(b))]*.

Note: If a parent's mental illness is the reason for the denial of services, the judge should make the sequential series of findings set out in *In re Rebecca H.* (1991) 227 CA3d 825, 843, 278 CR 185 (see §102.80).

- ➡ JUDICIAL TIP: Clear and convincing evidence is only required for a denial of reunification services under Welf & I C §361.5(b). However, many judges use this more stringent burden of proof when denying reunification services on any ground.

[If child was adjudicated a dependent based on severe sexual abuse or physical harm]

The court finds that it would not benefit the child and therefore orders no reunification services, based on the following findings: *[State findings based on factors in Welf & I C §361.5(h); Cal Rules of Ct 1456(f)(10)]*.

Note: When services are denied because of severe sexual or physical abuse, the court must read into the record the basis for the finding of the abuse and the factual findings that are used to determine that reunification services would not benefit the child. [Welf & I C §361.5\(i\)](#).

[If reunification services are ordered despite finding of presence of circumstance listed in [Welf & I C §361.5\(b\)](#)]

Despite the circumstance that *[state circumstance as outlined in [Welf & I C §361.5\(b\)](#), e.g., parent has been convicted of causing death of another child through abuse or neglect]*, the court finds by a preponderance of the evidence that reunification services are necessary *[to prevent reabuse/to prevent further neglect/because of the child's positive attachment to the parent]*.

[If the parent is incarcerated or institutionalized]

The court orders the following reunification services for *[name of parent]*: *[List services, e.g., maintenance of telephone contact, transportation, visitation, and services to extended family members who are caring for the child (see [Welf & I C §361.5\(e\)](#))]*.

[Or]

The court finds by clear and convincing evidence that reunification services with *[name of parent]*, *[an incarcerated parent,]* would be detrimental to the child because *[list reasons]*.

Note: In giving reasons, the court must consider such factors as the age of the child, the degree of parent-child bonding, the length of the sentence, the severity of crime or illness, detriment if services are not offered, and the wishes of the child, if the child is ten years or older. [Welf & I C §361.5\(e\)](#).

(9) Other Findings

The court also finds that:

[Add, if applicable]

Notice has been given as required by law.

[Name of parent/guardian] has knowingly waived the following rights to:

- Trial on the issues.
- Assert the privilege against self-incrimination.
- Confront and cross-examine adverse witnesses.
- Use the court's process to compel attendance of witnesses.

Good cause is found for the issuance of restraining orders against [name] which are necessary because [state reasons].

Note: Restraining orders under [Welf & I C §340.5](#) (threatening a social worker) and [Fam C §6320](#) (order enjoining family member from harassment, etc.) must be based on a showing of good cause.

The court finds that [name of person on behalf of whom the dwelling exclusion order is granted] has a right to possession of the premises under color of law because [state reasons]. The court also finds that [name of person to be excluded] has [assaulted/threatened to assault] [name of child/name of child's caretaker] and that physical harm would result to [name of child/name of caretaker] if this restraining order is not granted.

Note: See [Fam C §6321](#).

(10) *Visitation*

[Name of parent/guardian/sibling/other] may visit [name of child] [give frequency, e.g., regularly, once a week, as frequently as possible as determined by the Department of Social Services] at [give location, e.g., the grandmother's house, a place convenient to the parent by public transportation to be determined by the Department of Social Services].

[Or]

[Name of parent/guardian/sibling/other] may have full, unmonitored visitation with [name of child] at [a place of [his/her] choosing/a place chosen by mutual agreement between the child and [name]].

Note: Under [Welf & I C §16501.1\(f\)\(8\)](#), a case plan for a child for whom out-of-home services are ordered must include a recommendation regarding unsupervised sibling visitation. Visitation may be ordered even if the court has established a legal guardianship. [Cal Rules of Ct 1456\(b\)\(2\)\(D\)](#).

[Or]

Visitation with *[name of parent/guardian/other]* is to be monitored by a social worker and limited to *[specify frequency]* at *[place]*.

☛ JUDICIAL TIP: If the court determines that visitation is likely to be harmful, it may require the order setting limited, monitored visitation to stand until a later court hearing. However, in an appropriate case, the court may modify the restricted visitation order with the statement that visitation may be increased and supervision eliminated as DSS finds appropriate.

[Or]

Sibling interaction is to be suspended.

(11) *Other Orders*

[Add, if applicable]

The court orders that *[name of child/parent/guardian/other]* receive an evaluation for *[mental health/addiction]* treatment. The case is continued until the court receives a report on the *[mental health/substance abuse]* regarding *[name]*.

Note: For discussion of evaluation and treatment for mental disorders, see [Welf & I C §§357, 370, 6550–6552](#), and of evaluation and treatment for addiction, see [Welf & I C §359](#).

The court orders the Department of Social Services to make *[monthly/other [specify]]* reports on the status of *[name of child]* in *[foster care/[specify other out-of-home placement]]* (see [Welf & I C §365](#)).

The court hereby issues an order *[restraining the conduct of [name] in the following respects: [[specify]/excluding [name] from the residence of [name]/enjoining [name] from threatening [name of social worker assigned to the case/member(s) of social worker's family]]*. This restraining order is to be in effect for *[specify length of time]*.

Note: See [Welf & I C §340.5](#); [Fam C §§6320, 6321, 6345](#) (duration may be a maximum of three years); [Cal Rules of Ct 1429.5\(h\)](#).

(12) *Review Hearing*

The first review hearing is scheduled for *[date]*, at _____.m. in Department _____. All persons who are present today [*i.e., parent, guardian, etc.*] have the right to be present and to be represented by counsel.

Note: When a child is detained pending execution of the placement order, the court must periodically review the case (at least every 15 days) to determine if the delay was reasonable. [Welf & I C §367\(b\)](#); [Cal Rules of Ct 1456\(i\)](#); see [§102.108](#). The standard review hearing must be set for a date not to exceed six months from the disposition hearing or the date the child entered foster care if applicable. [Welf & I C §364\(a\)](#), [366\(a\)](#); [Cal Rules of Ct 1456\(h\)](#), [1460\(a\)](#).

[Or]

A selection and implementation hearing is scheduled for [date], at ____ __.m. in Department _____. All persons who are present today [e.g., *parent, guardian*] have the right to be present and to be represented by counsel. The Department of Social Services shall prepare an assessment, including an analysis of the following factors: *Set out the relevant factors from [Welf & I C §361.5\(g\)](#)*.

Note: If the court has not ordered reunification services because of the application of [Welf & I C §361.5\(b\)\(2\)–\(6\)](#) or [§361.5\(e\)\(1\)](#), it must conduct a selection and implementation hearing within 120 days of the disposition hearing, unless the other parent is provided with reunification services under [Welf & I C §361.5\(a\)](#). [Welf & I C §361.5\(f\)](#).

**C. [§102.116] Written Form: Standing Order—Disclosure of
Testimony and Psychological Evaluations**

IN THE SUPERIOR COURT
JUVENILE DIVISION

STANDING ORDER

DISCLOSURE OF TESTIMONY AND
PSYCHOLOGICAL EVALUATIONS

ORDER

IT IS HEREBY ORDERED that, absent a waiver by a parent, neither the testimony of a parent nor the report from a psychological evaluation, provided in the context of a juvenile dependency proceeding, shall be discoverable by the district attorney. [Welf & I C §355.1](#); *In re Jessica B.* (1989) 207 CA3d 504, 517–521, 254 CR 883.